

8-15-01
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MEMORANDUM

To: Ash Grove Cement Company
Date: August 15, 2001
Subject: Current regulatory authority

Gentlemen:

The following table lists examples of existing regulatory authority governing project permitting:

| LEGAL BASIS | RESPONSIBLE AGENCIES |
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| U.S. Endangered Species Act of 1973 (amended in 1986) §7 | U.S. Army Corps of Engineers (USACE), National Marine Fisheries Service (NMFS), U.S. Fish and Wildlife Service (USFWS) |
| U.S. Clean Water Act (CWA) §303(d) | WA Department of Ecology (WDOE) (delegated) |
| WA State Watershed Action Plans and Basin Plans (WAC 400-12 and RCW 36.70.330, 36.70.330 and 36.70.350) | WDOE and Puget Sound Water Quality Action Team; two separate plans address similar issues. |
| Wetland mitigation: CWA §404; Rivers and Harbors Act of 1910 §10 | USACE |
| (A) WA Shoreline Management Act of 1971 (SMA; currently in revision); (B) WA Growth Management Act (GMA; ESHB 292 of 1991) | (A) State statute; local environmental issues (fish and aquatic habitat) administered by City of Seattle; (B) GMA issues are upland and stop at high water mark; also administered by City of Seattle. |
| Elliott Bay/Duwamish Restoration Program | NMFS - Natural Resources Damage Assessment Program |
| Tribal sovereignty/federal treaties | Miscellaneous; includes Muckleshoot Tribe |
| WA State Hydraulics Code (WAC 220-110) | WA Department of Fish and Wildlife (WDFW) |

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